

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: LATTER ET AL.
Appl. No.: 09/122,484
Conf. No.: 4450
Filed: JULY 24, 1998
Title: METHOD AND SYSTEM FOR PROVIDING
ENHANCED CALLER IDENTIFICATION
Art Unit: 2614
Examiner: TRAN, QUOC DUC
Docket No.: 08285-00181 (A00455)

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed June 29, 2007.

REMARKS

Appellant submits and maintains that the rejections based on the combination of U.S. Patent No. 5,497,414 to Bartholomew ("*Bartholomew*") in view of U.S. Patent No. 5,905,774 to Tatchell et al. ("*Tatchell*") fail to establish a *prima facie* case of obviousness and should be withdrawn. In particular, the relied upon references, either alone or in combination, do not teach or suggest all of the limitations or elements recited, and a person of ordinary skill in the art would not make the relied upon combination in order to ensure that caller identification related to the calling party is provided for the calls that ring through to the customer or called party. See Appellant's Appeal Brief dated December 15, 2006 at Section V.

As previously discussed, independent claims 57, 60, 68, 69, 70, 71, 77, 84 and 91 to 93 recite generally methods or systems for processing a call from a calling party at a calling communication station to a called communication station that include, in relevant part, determining whether standard caller identification information for the calling communication station can be provided to the called communication station; transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station; and connecting the calling communication station and the called communication station without providing any caller identification information to the called communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18). In other words, when caller identification information is not provided to the called communication station, the called communication station contacts the calling communication station and the calling party and requests *audible* caller identification be provided. The call may then be connected to the called communication station without providing the requested and received audible caller identification.

Bartholomew does not disclose transmitting a request for audible caller identification as admitted in the final Office Action dated February 17, 2006 (see page 3, paragraph 3) and Examiner's Answer dated March 19, 2007 (see page 4, paragraph 1). *Bartholomew* simply discloses utilizing a personal identification number (PIN) to control caller access and routing without obtaining standard caller identification information from the calling party and without providing caller

identification information to the called party. Thus, upon receipt of the PIN, the system of *Bartholomew* connects the calling party to the called communication station.

As previously discussed, *Tatchell* does not disclose or provide the teaching missing from *Bartholomew*. *Tatchell* simply discloses a Personal Agent or agent that, among other things, operates and administers a call screening and prioritization list that identifies and verifies incoming calls when the subscriber is on-hook. For example, as described at col. 20, line 39 to col. 21, line 20 of *Tatchell*, all calls by a calling party to a directory number of a called party invoke the agent which, in turn, determines the presence or absence of call identification information. Upon determination that caller identification information is not provided, "the agent answers the call and asks for name and number", (see col. 20, lines 50 to 52 and FIG. 8b at block 90). The provided information is then used by the agent to determine "if it is specified by the subscriber [of the service] in the call screening and prioritization list," (see col. 20, lines 52 to 54). In other words, the provided name and number are utilized by the agent to connect or invoked the call screening and prioritization list and not to connect to the called communication station. Stated another way, the system of *Tatchell* utilizes caller identification information, regardless of how it is provided or obtained, to control access to the call screening and prioritization list. It is the options or configuration of the call screening and prioritization list which, in turn, determine whether the incoming call is to be connected with the called communication station.

Even if, *arguendo*, *Bartholomew* and *Tatchell* were combined in the suggested manner, Appellant submits that the combined system and method would not provide the limitations, functionality and advantages of the methods and systems recited in the claims at issue. For example, if as the pending rejections allege, the agent and call screening and prioritization list of *Tatchell* were combined with the caller access and routing of *Bartholomew*, providing name and number in response to the agent query could route the calling party to the call screening and prioritization list, and not to the called communication station as recited by the claims at issue. Moreover, Appellants submit that the person of ordinary skill in the art would not attempt to make this combination because the added step of connecting and

interacting with the all screening and prioritization list, as opposed to simply connecting the call upon receipt of the PIN code, simply increases the system complexity and the time necessary to connect a call. Moreover, even if the provided name and number was utilized to connect the incoming call and not to simply access the call screening and prioritization list, *Tatchell* explicitly discloses providing a name announcement based on the caller identification information to the called communication station (see col. 21, lines 31 to 36). This disclosure directly contradicts the systems and methods recited in the claims.

For at least these reasons, it is clear that the combination of *Bartholomew* and *Tatchell* does not disclose each and every element set forth in claims nor would a person of ordinary skill attempt to make the relied upon combination. Thus, claims 57 to 66 and 68 to 93 are not rendered obvious over either of the cited references or the combination there, and the rejections should be withdrawn.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE

Dated: **August 6, 2007**

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